

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 2006 of 2001

Between:

Rachuru Laxmaiah, S/o R. Ramaswamy, 60 years,
R/o Sri Venugopala Swamy garden, Navalakh Gardens,
Nellore – 524002.

..... PETITIONER

AND

1. The District Collector, Nellore District, Nellore,
2. The Municipal Commissioner, Nellore Municipality, Nellore,
3. The Executive Engineer, Nellore Municipality, Nellore.
4. The Superintendent Engineer, Electricity, A.P. Transco, Vidyut Bhavan,
Dargamitta, Nellore,
5. The Asst. Divisional Engineer, Electricity, A.P. Transco, Balaji Nagar,
Nellore.
6. The Assistant Engineer, Electricity, A.P. Transco Allipuram, Nawabpet,
Nellore.
7. The Revenue Divisional officer, Nellore, Nellore District. A.P.
8. The Mandal Revenue Officer, Nellore Mandal, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders or writ more particularly one in the nature of Mandamus

declaring the action of the respondents in giving electricity connections to the houses raised in the land and laying roads in an extent of Ac.5.75 situated in S.No. 319/2, BIT-II, Sri Venugopalaswamy Garden, Navalakh Garden, Nellore without following procedure is illegal, arbitrary and pass such other order or orders as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner: M/SC.KODANDA RAM

Counsel for the Respondents 1, 3 to 8: GP FOR REVENUE

Counsel for the Respondent No. 2: Mr. E. Sambasiva Pratap

The Court made the following :

ORAL ORDER:

Questioning the action of the respondents in giving electricity connection and providing roads to the encroachers in Sy. No. 318/2 in Bit-II of Nellore, Venugopala Swamy Garden, Valakh Garden, Nellore without following procedure, the petitioner filed this writ petition.

The case of the petitioner is that earlier, his father was the tenant of the said land under a registered lease agreement and after the death of his father, his mother and brothers are continuing in the said land. While so, at the instance of the District Collector and other official respondents, some third parties have encroached into the said land. Consequently, his mother filed a writ petition No. 7473 of 1994 challenging their illegal action and the same was allowed with a direction to the respondents to handover the possession of the said land to the mother of the petitioner and also to pay Rs.6,000/- per acre to the mother of the petitioner being damages. The respondents therein carried the matter in appeal, but the same was dismissed. As the matter stood thus, the District Collector issued Land Acquisition proceedings in respect of the said land under Sections 4 and 6 of the Act. Aggrieved thereby, the mother of the petitioner was constrained to file a Contempt Case No. 1470 of 1996. Again the matter was challenged before the Supreme Court, and the Supreme Court dismissed the SLP with a direction to the mother of the petitioner to file a separate writ petition challenging the Land Acquisition proceedings. Accordingly, his mother filed W.P. No. 30924 of 1997 challenging the Land Acquisition Proceedings and the same was admitted and tagged on to the Contempt Case No. 1470 of 1996.

The grievance of the petitioner, it appears, that in the said contempt case, though the official respondents gave an undertaking to handover the

possession of the land to the petitioner and his family members, failed to do so and violated the orders of this Hon'ble Court. Further, the official respondents are trying to give power supply to the houses of the encroachers. Hence the present writ petition.

This Court, at the time of admission, while suspending the proceedings initiated under Section 4-1 of the Land Acquisition proceedings, ordered Status-Quo in all respects.

Having regard to the facts and circumstances of the case and in view of the disposal of the Writ Petition No. 30924 of 1997 and the Contempt Case No. 1470 of 1996, this Writ Petition is dismissed with a direction to the respondents to follow the observations and directions made in the above two cases.

Accordingly, the writ petition is dismissed. No costs.

kvsn 23-06-2005

To

1. The District Collector, Nellore District, Nellore,
2. The Municipal Commissioner, Nellore Municipality, Nellore,
3. The Executive Engineer, Nellore Municipality, Nellore.
4. The Superintendent Engineer, Electricity, A.P. Transco, Vidyut Bhavan, Dargamitta, Nellore,
5. The Asst. Divisional Engineer, Electricity, A.P. Transco, Balaji Nagar, Nellore.
6. The Assistant Engineer, Electricity, A.P. Transco Allipuram, Nawabpet, Nellore.
7. The Revenue Divisional officer, Nellore, Nellore District. A.P.
8. The Mandal Revenue Officer, Nellore Mandal, Nellore Dist.
9. Two CCs to GP for Revenue, High Court buildings, Hyderabad.
10. Two CD copies.